

RESOLUTION

ZONING ORDINANCE TRANSITION

WHEREAS, the Board of Supervisors is considering revisions and amendments to sections of Chapter 24, Zoning, of the Code of the County of James City, Virginia, as described in Case No. ZO-0007-2011; and

WHEREAS, the orderly transition from the existing zoning regulations to revised regulations requires a transition resolution to affect changes in law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia hereby grandfathers proposed developments which meet the criteria identified below under the regulations in effect prior to the November 27, 2012, adoption of revisions to the James City County Zoning Ordinance, as described in Case No. ZO-0007-2011, if all of the following conditions were fully and completely met on or before November 27, 2012:

1. The landowner had obtained or was the beneficiary of a “significant affirmative governmental act” (as defined herein) which remains in effect allowing development of a specific project; and
2. Relied in good faith on the significant affirmative governmental act; and
3. Incurred extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative governmental act.

Each of the following are deemed to be a “significant affirmative governmental act”:

- a) The Board of Supervisors has accepted proffers or proffered conditions which specify use related to a zoning amendment;
- b) The Board of Supervisors has approved an application for a rezoning, with master plan, for specific use(s) or density;
- c) The Board of Supervisors or Board of Zoning Appeals has granted a special exception or use permit, with master plan, with conditions;
- d) The Board of Zoning Appeals has approved a variance;
- e) The Board of Supervisors or its designated agent has approved a preliminary subdivision plat, site plan, or plan of development for the landowner’s property and the landowner diligently pursues approval of the final plat or plan within a reasonable period of time under the circumstances;
- f) The Board of Supervisors or its designated agent has approved a final subdivision plat, site plan, or plan of development for the landowner’s property; or

- g) The zoning administrator or other administrative officer has issued a written order, requirement, decision or determination regarding the permissibility of a specific use or density of the landowner's property that is no longer subject to appeal and no longer subject to change, modification, or reversal under subsection C of Section 15.2-2311 of the Code of Virginia, 1950, as amended.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Robert C. Middaugh
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
JONES	_____	_____	_____
KENNEDY	_____	_____	_____
ICENHOUR	_____	_____	_____
KALE	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of November, 2012.

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